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COMMISSION

BEFORE THE
FEDERAL ELECTION COMMISSION

AM 11: 48

American Democracy Legal Fund
455 Massachusetts Avenue NW
Washington, DC 20001

OFFICE OF GENERAL
COUNSEL

MUR # 7098

Complainant,

v.

Mr. Donald J. Trump
725 Fifth Avenue
New York, NY 10022

Donald J. Trump for President, Inc. and Timothy Jost, Treasurer
725 Fifth Avenue
New York, NY 10022

Respondents.

COMPLAINT

Complainant files this complaint under 52 U.S.C. § 30109(a)(1) against Mr. Donald J. Trump and his principal campaign committee, Donald J. Trump for President, and its treasurer, Timothy Jost, in his official capacity (collectively, "Respondents") for violating the Federal Election Campaign Act of 1971, as amended ("the Act"), as described below. We urge the Commission to investigate this violation.

A. FACTS

Dozens upon dozens of e-mails from the Trump campaign shared through social media, along with recent news coverage, demonstrate that Respondents sent a barrage of campaign solicitation e-mails to foreign parliamentarians from at least six countries asking these individuals, all of whom are foreign nationals, to contribute to the Trump campaign.

Last week, members of the Scottish National Party's U.K. parliamentary delegation received "multiple e-mails from Trump's campaign, soliciting donations for his presidential

bid.”¹ Reports also indicate that British members of Parliament recently received solicitation e-mails from the Trump campaign as well,² along with parliamentarians from Iceland,³ Australia,⁴ Denmark,⁵ and Finland.⁶ Several of these e-mails explicitly state that they are “fundraising” e-mails from Mr. Trump, “sent on behalf of my campaign.”⁷ Other e-mails overtly ask for contributions through language such as “please chip in today,” and “donate right now.”⁸

Scottish members of Parliament (“MPs”) reported that the Respondents sent at least four solicitation e-mails to their official public accounts, which are listed on the United Kingdom Parliament website.⁹ The e-mails are “bog-standard campaign spam,” as MP Peter Grant described them.¹⁰ Another Scottish MP, Stuart McDonald, tweeted screenshots of several of the solicitation e-mails that he received from the Trump campaign.¹¹ MP McDonald also implored on the *New York Times* to tell Mr. Trump to stop sending him campaign e-mails.¹² Like MP

¹ Adam Weinstein, *Why is Team Trump asking liberal Scottish politicians for donations?*, FUSION (June 27, 2016), <http://fusion.net/story/319256/trump-emails-scotland-campaign-finance/>.

² Josh May, *MPs ‘bombed’ by spam emails from Donald Trump*, POLITICS HOME (June 28, 2016), <https://www.politicshome.com/news/uk/politics/news/76692/mps-bombarded-spam-emails-donald-trump>.

³ Paul Fontaine, *Donald Trump Asking Icelandic MPs For Donations*, THE REYKJAVIK GRAPEVINE (June 22, 2016), <http://grapevine.is/news/2016/06/22/donald-trump-asking-icelandic-mps-for-donations/>.

⁴ Caitlin MacNeal, *Trump Camp Sending Fundraising Emails To Elected Officials In Multiple Countries*, TALKING POINTS MEMO (June 29, 2016), <http://talkingpointsmemo.com/livewire/trump-fundraising-emails-foreign-members-parliament>.

⁵ *See id.*

⁶ *See id.*

⁷ Stuart McDonald (@Stuart_McDonald), TWITTER (June 27, 2016, 3:06 AM), https://twitter.com/Stuart_McDonald/status/747370416944062465.

⁸ Natalie McGarry (@NatalieMcGarry), TWITTER (June 27, 2016, 3:38 PM), <https://twitter.com/NatalieMcGarry/status/747559880723161090>.

⁹ *See* Weinstein, *supra* note 1.

¹⁰ *Id.*

¹¹ *See* Stuart McDonald (@Stuart_McDonald), TWITTER (June 27, 2016, 3:07 AM), https://twitter.com/Stuart_McDonald/status/747370669453754368; (June 27, 2016, 3:06 AM), https://twitter.com/Stuart_McDonald/status/747370416944062465; (June 27, 2016, 9:26 AM), https://twitter.com/Stuart_McDonald/status/747466104788885505; (June 27, 2016, 9:27 AM), https://twitter.com/Stuart_McDonald/status/747466372301656064.

¹² Stuart McDonald (@Stuart_McDonald), TWITTER (June 27, 2016, 2:22 AM), https://twitter.com/Stuart_McDonald/status/747359455449317376.

McDonald, MP Natalie McGarry tweeted screenshots of the solicitation emails she had received from the Trump campaign.¹³

British MPs also spoke publicly about their receipt of solicitation e-mails from the Trump campaign. MP Sir Roger Gale urged the Speaker of the Commons to help block the “intemperate spam.”¹⁴ The Speaker, John Bercow, responded by stating “I do not think it is acceptable that Members should be bombarded with e-mails of which the content is offensive.”¹⁵

Members of the Icelandic parliament on both sides of the political spectrum also received solicitation e-mails from Mr. Trump’s campaign, and some of these MPs also turned to social media to highlight the e-mails.¹⁶ The Chairperson of the Icelandic Left-Green party Katrín Jakobsdóttir reported receiving the donation plea, along with MPs from the Pirate Party such as captain Birgitta Jónsdóttir.¹⁷

Tim Watts, an Australian MP, shared the e-mail he received from the campaign on Twitter as well.¹⁸ Watts told a reporter that he has “received several fundraising e-mails from the Trump campaign, and that he believes all Australian members of parliament have gotten the e-mails as well.”¹⁹

Danish MP Ida Auken shared the fundraising e-mail she received,²⁰ which is the same e-mail that several MPs from the other countries reported receiving. Finally, Finnish MP Anders

¹³ Natalie McGarry (@NatalieMcGarry), TWITTER (June 27, 2016, 3:38 PM), <https://twitter.com/NatalieMcGarry/status/747559880723161090>.

¹⁴ May, *supra* note 2.

¹⁵ *Id.*

¹⁶ See Fontaine, *supra* note 3; see also Birgitta Jónsdóttir, FACEBOOK (June 22, 2016), <https://www.facebook.com/photo.php?fbid=10154291565896514&set=a.70100401513.98229.701921513&type=3>

¹⁷ <http://grapevine.is/news/2016/06/22/donald-trump-asking-icelandic-mps-for-donations/>.

¹⁸ Tim Watts (@TimWattsMP), TWITTER (June 28, 2016, 9:26 PM), <https://twitter.com/TimWattsMP/status/748009735841013760>.

¹⁹ <http://talkingpointsnemo.com/livewire/trump-fundraising-emails-foreign-members-parliament>

²⁰ Ida Auken (@IdaAuken), TWITTER (June 29, 2016, 2:28 AM), <https://twitter.com/IdaAuken/status/748085661375291392>.

Adlercreutz took to Twitter to say that Finnish MPs had also received solicitation e-mails from the Trump campaign.²¹

B. LEGAL ARGUMENTS

By knowingly soliciting campaign contributions from foreign nationals, Respondents have expressly violated 52 U.S.C. § 30121(b).

The Act prohibits any person from knowingly soliciting, accepting, or receiving a contribution or donation from a foreign national.²² A “foreign national” is defined as an “individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence.”²³ To “knowingly” solicits funds from a foreign national, a person can have “actual knowledge that the source of the funds solicited [] is a foreign national,” be “aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the source of the funds solicited [] is a foreign national,” or “be aware of facts that would lead a reasonable person to inquire whether the sources of the funds solicited [] is a foreign national.”²⁴ The fact that “the contributor or donor resides abroad” is relevant in determining whether a person is “aware of facts that would lead a reasonable person” to conclude or inquire into whether the source of the funds solicited is a foreign national.²⁵

Here, there is plentiful evidence that the Respondents illegally solicited contributions from dozens of foreign nationals. Numerous MPs, all foreign nationals, took to social media to share screenshots of solicitation e-mails from the campaign.²⁶ The e-mails bluntly ask for

²¹ Anders Adlercreutz (@adleande), TWITTER (June 29, 2016, 8:48 AM), <https://twitter.com/adleande/status/748181462688628736>.

²² 52 U.S.C. § 30121(b).

²³ 11 C.F.R. § 110.20(a)(3)(ii).

²⁴ *Id.* at § 110.20 (a)(4)(i)-(iii).

²⁵ *Id.* at § 110.20 (a)(5).

²⁶ See, e.g., Birgitta Jónsdóttir, FACEBOOK (June 22, 2016), <https://www.facebook.com/photo.php?fbid=10154291565896514&set=a.70100401513.98229.701921513&type=3>; Natalie McGarry (@NatalieMcGarry), TWITTER (June 27, 2016, 3:38 PM),

campaign contributions through phrases such as “donate right now,”²⁷ and “please chip in today”²⁸ and were sent to MPs’ official public e-mail accounts.

Furthermore, the Respondents were “aware of facts that would lead a reasonable person to conclude that there [was] a substantial probability” that there were foreign nationals on their e-mail solicitation list. The parliamentarians who received the e-mail solicitations all had e-mail accounts with foreign domains.²⁹ A “reasonable person” looking at the foreign domains in these e-mail addresses would conclude that there was a “substantial probability,” if not a near certainty, that the e-mail recipients were foreign nationals.

Notwithstanding these circumstances, Respondents repeatedly sent solicitation e-mails to Scottish, English, Finnish, Danish, Australian, and Icelandic parliamentarians, expressly requesting campaign contributions. Accordingly, Respondents have directly violated the Act by soliciting contributions from dozens of foreign nationals.

C. REQUESTED ACTION

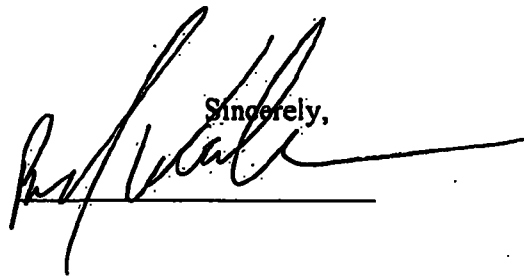
We respectfully request that the Commission investigate these violations and that Respondents be enjoined from further violations and fined the maximum amount permitted by law.

<https://twitter.com/NatalieMcGarry/status/747559880723161090>: Ida Auken (@IdaAuken), TWITTER (June 29, 2016, 2:28 AM), <https://twitter.com/IdaAuken/status/748085661375291392>.


²⁷ Weinstein, *supra* note 1.

²⁸ Natalie McGarry (@NatalieMcGarry), TWITTER (June 27, 2016, 3:38 PM), <https://twitter.com/NatalieMcGarry/status/747559880723161090>.

²⁹ See, e.g., U.K. PARLIAMENT, <http://www.parliament.uk/biographies/commons/natalie-mcgarry/4428> (listing the e-mail address of MP Natalie McGarry) (last visited June 28, 2016); ALTHINGI, *Members of Parliament*, <http://www.althingi.is/altex/cv/en/?nfaerslunr=109> (listing the e-mail address of MP Katrín Jakobsdóttir) (last visited June 28, 2016); FOLKETINGET, *Members*, <http://www.thedanishparliament.dk/Members/rvidau.aspx> (listing the e-mail address of MP Ida Auken) (last visited June 29, 2016).

Sincerely,


SUBSCRIBED AND SWORN to before me this 30th day of June, 2016.


Notary Public

My Commission Expires:

10/31/2020

